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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SELWYN TALLEY,

Plaintiff,

vs.

CITY OF NORTH LAS VEGAS, a  
Municipal Corporation and Political  
Subdivision of the State of Nevada; North  
Las Vegas Police Department; Pamela  
Ojeda in her Official and/or Individual  
Capacities; Carolyn White in her Official  
and/or Individual Capacities; Kathrynne  
Gaspardi in her Official and/or Individual  
Capacities; DOES I-X,

Defendant.

Case No. 2:22-cv-01115-ART-BNW

**JOINT STIPULATION TO EXTEND DISCOVERY  
(First Request) with PROPOSED ORDER**

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Plaintiff Selwyn Talley (“Talley” or “Plaintiff”) and Defendants City of North Las Vegas (“CNLV”) and Kathrynne Gaspardi (“Gaspardi”, and jointly with CNLV, “Defendants”), by and through their respective counsel of record, hereby stipulate and agree as follows:

1. Defendants removed this case to federal court on July 13, 2022. ECF No. 1.
2. On July 13, 2022, the Court issued an Order scheduling this case for an ENE. ECF No. 7.
3. On July 20, 2022, the Defendants filed a motion to dismiss. ECF No. 8.
4. On August 3, 2022, Plaintiff, who was pro se at the time, filed an opposition to the motion to dismiss. ECF No. 11
5. On August 10, 2022, Defendants filed a motion requesting additional time to file a reply in support of the motion to dismiss. ECF No. 17. This extension of time was granted by minute order on August 15, 2022. ECF No. 20.
6. Defendants filed their reply in support of the motion to dismiss on August 17, 2022. ECF No. 22.
7. On August 17, 2022, Defendants filed a motion to stay the case. ECF No. 23.
8. On September 8, 2022, the Court granted the requested stay pending the outcome of the motion to dismiss. ECF No. 29.
9. On September 19, 2022, the Court vacated the ENE. ECF 30.
10. On January 4, 2023, Motion to Postpone the ENE was filed. ECF No. 37.
11. On January 12, 2023, the Court held a hearing on the motion to extend time for the ENE. ECF No. 38.
12. On February 6, 2023, this case was removed from the ENE program. ECF No. 41.
13. On August 8, 2023, the Court held a hearing and heard argument on all pending motions. Plaintiff's motion to remand was denied. Defendants' motion to dismiss was denied in part and granted in part. ECF. 49.
14. August 9, 2023, counsel appeared for Plaintiff. ECF No. 48.
15. On September 29, 2023, Defendants filed their answer. ECF No. 52.
16. On October 2, 2023, the parties filed a joint discovery plan. ECF No. 53.
17. On October 3, 2023, the Court entered a scheduling order. ECF No. 54.
18. On February 16, 2024, the parties filed a stipulated protective order. ECF No. 56.
19. On February 20, 2023, the parties filed a stipulation to lift stay. ECF No. 57.

20. On February 20, 2024, the Court granted the parties stipulated protective order. ECF No. 58.

21. On February 29, 2024, the Court issued a minute order advising the stay had been lifted automatically based upon the Court's prior minute order. ECF No. 29. However, the clerk's office had not previously lifted the stay in the ECF system, but did so after the Court's February 29, 2024 minute order. ECF No. 59.

22. The Parties require additional time to complete discovery.

23. The parties request an additional one hundred twenty (120) days, until October 4, 2024, to complete discovery in this matter.

**STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

Plaintiff served his initial disclosures on March 8, 2024 and Defendants served their initial disclosures on February 9, 2024.

Plaintiff served his first request for documents to CNLV on January 24, 2024. Plaintiff served his first set of interrogatories to CNLV on January 29, 2024. Plaintiff's counsel granted Defendant's counsel requests for an extension of time to respond to the discovery. On April 5, 2024, Defendant provided their response to Plaintiff's interrogatories and request for documents, and supplemented their initial disclosures.

On April 8, 2024, a request for a meet and confer was made due to inadequate discovery responses. A second request for a meet and confer was made on April 12, 2024. On April 16, 2024, the parties counsel met and conferred about missing document responses and inadequate interrogatory responses, as well as the missing verification of the interrogatories. On April 22, 2024, Defendants supplemented their initial disclosures.

On April 26, 2024, Plaintiff's counsel inquired about the still missing discovery response updates. On May 7, 2024, Plaintiff's counsel inquired about the status of the discovery updates still missing. On May 13, 2024, Defendants supplemented their disclosures.

The parties met and conferred again on May 13, 2024, regarding the still inadequate discovery responses. Counsel advised she was very ill but trying to work on supplementing CNLV's responses to Plaintiff's discovery requests.

On May 16, 2024, Kelly Stout of the law firm Hone Law, contacted Plaintiff's counsel to notify her that Hone Law would be substituting in as counsel for Defendants. Ms. Stout and Plaintiff's counsel immediately conferred telephonically about the status of discovery, including the current discovery schedule, the discovery already completed, the discovery that remains to be completed, and the amount of time that would be required to conclude discovery in this case.

**STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

All parties anticipate serving supplements to their initial disclosures and possible subpoenas to third parties.

Plaintiff's counsel anticipates that upon receipt of supplemental responses to his discovery requests, Plaintiff will likely need to serve additional written discovery requests. Plaintiff also needs to conduct depositions. Plaintiff's counsel first requested deposition dates on April 8, 2024, but has not received any potential dates from Defense counsel. At present, Plaintiff seeks to depose former CNLV Police Chief Pamela Ojeda<sup>1</sup>, Damien Villarreal, and the City of North Las Vegas' 30(b)(6) witness and may identify the need for additional depositions after reviewing any supplemental discovery received from CNLV.

Defendant's new counsel was retained on May 15, 2024, and has not yet received a full copy of Defendant's file from their prior counsel, but anticipates that Defendants will supplement their initial disclosures to identify additional documents and individuals and supplement CNLV's responses to Plaintiff's written discovery requests. In addition, Defendant's new counsel expects to serve written discovery requests and take Plaintiff's deposition, and may identify the need to serve subpoenas on third parties and depose additional individuals.

The requested extension of discovery will allow Defendant's new counsel time to become familiar with the case so that the Parties can complete written discovery, deposition discovery, and allow for transcripts to be available for the preparation of dispositive motions.

**PROPOSED SCHEDULE**

The parties stipulate that:

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<sup>1</sup> Although named as a defendant in Plaintiff's Complaint, Chief Ojeda (Ret.) was never served and is not a party to the case.

1. **Discovery**: The discovery period shall be extended one hundred-twenty-two days (122) days from June 7, 2024 until October 7, 2024 because the one-hundred-twentieth day falls on a Saturday.
2. **Dispositive Motions**: The dispositive motions deadline shall be extended one hundred-twenty days (120) days from July 8, 2024, to November 5, 2024.
3. **Pre-Trial Order**: If no dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days after the date set for the filing of dispositive motions, which is December 5, 2024. In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the dispositive motions or by further order of the Court.
4. **Extensions or Modifications of the Discovery Plan and Scheduling Order**: In accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this discovery plan and scheduling order and any deadline contained herein, must be made not later than twenty-one (21) days before the subject deadline. The Parties are timely making their request to extend discovery.

This stipulation and order is sought in good faith and not for the purpose of delay. No prior request for any extension of scheduling deadlines has been made.

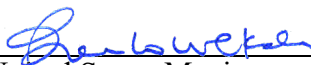
DATED this 17th day of May, 2024.

LAW OFFICE OF MARY F. CHAPMAN, LTD. HONE LAW

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*Attorneys for Defendant*

**IT IS SO ORDERED.**

  
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United States Magistrate Judge

Dated: 5/21/2024